

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

NINGBO YONGJIA AIDUO  
AUTO PARTS MANU CO., LTD.,

Plaintiff,

CASE NO. 1:22-cv-24270-DPG

v.

THE INDIVIDUALS, PARTNERSHIPS  
AND UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE "A",

Defendants.

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**NOTICE OF FILING CORRECTED DECLARATION**

Defendant WAXMAN SALES LLC, a Texas limited liability company d/b/a BirdRock Home ("Defendant"), by and through undersigned counsel, hereby gives notice of filing the Corrected Declaration of Henry M. Pogorzelski in Support of Motion for Award of Attorneys' Fees and Damages by Defendant Waxman Sales LLC dba BirdRock Home (the "Declaration"). An earlier version of the Declaration was mistakenly attached as Exhibit "I" to Defendant's Motion for Award of Attorneys' Fees and Damages [D.E. 56].

Date: April 20, 2023

Respectfully submitted,

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/s/ Jonathan B. Morton  
Jonathan B. Morton

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Henry Pogorzelski, *pro hac vice*  
Stewart Mesher, *pro hac vice*  
*Attorneys for Waxman Sales LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 20, 2023, a true and complete copy of the foregoing was electronically filed via CM/ECF system which will send a notice of electronic filing to all Counsel of Record.

/s/ Jonathan B. Morton  
Jonathan B. Morton

# **EXHIBIT I**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

NINGBO YONGJIA AIDUO

AUTO PARTS MANU CO., LTD.,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS  
AND UNINCORPORATED  
ASSOCIATIONS IDENTIFIED ON  
SCHEDULE "A", including

WAXMAN SALES, LLC, a Texas limited  
liability company,

Defendants.

Case No.: 1:22-cv-24270-DPG

**DECLARATION OF HENRY M. POGORZELSKI IN SUPPORT OF WAXMAN  
MOTION FOR AWARD OF ATTORNEYS FEES AND DAMAGES BY DEFENDANT  
WAXMAN SALES LLC dba BIRDROCK HOME**

I, Henry M. Pogorzelski, state as follows:

I am an attorney at the law firm of K&L Gates LLP and am one of the attorneys representing Defendant Waxman Sales, LLC in the above captioned action. I have personal knowledge of the facts set forth in this declaration. If called upon to testify under oath, I could and would testify competently to the facts stated herein.

1. Attached as **Exhibit A** is a true and correct copy of ECF No. 9-2, pages 1-5, which I understand to be the infringement evidence that plaintiff submitted to the Court in support of its motion for a temporary restraining order, constituting pages from Defendant Waxman Sales' Amazon.com storefront, with yellow highlighting that I added.

2. Attached as **Exhibit B** is a true and correct copy of U.S. Design Patent No. D957,138, with yellow highlighting that I added.

3. Attached as **Exhibit C** is a true and correct copy of a letter that I sent to plaintiff's counsel of record dated February 5, 2023.

4. Attached as **Exhibit D** is a true and correct copy of a screenshot of a webpage entitled "About Us | BirdRock Home" from Waxman Sales' website at <https://www.birdrockhome.com/about-us?page=1> that I downloaded on or about March 8, 2023.

5. Attached as **Exhibit F** is a true and correct copy of a product listing webpage at <https://www.amazon.com/Snow-Moover-Extendable-Squeegee-Scraper/dp/B076PVN38H?th=1> for the snow brush having ASIN B076PVN38H, with yellow highlighting that I added.

Executed April 7, 2023.

/s/ Henry M. Pogorzelski  
Henry M. Pogorzelski